

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

FILED

UNITED STATES DISTRICT COURT

for the

District of

2022 JUN 21 PM 3:42

Division

Case No.

1:22 CV 696 (LMB/WEF)
(to be filled in by the Clerk's Office)Martin Akerman

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Department of Defense
(National Guard Bureau,
Department of the Air Force,
Department of the Army,
Office of the Under Secretary for
Intelligence)

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one)



Yes



No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Martin Akerman</u>
Street Address	<u>2001 North Adams Street, Unit 440</u>
City and County	<u>Arlington, Arlington County</u>
State and Zip Code	<u>Virginia 22201</u>
Telephone Number	<u>202-656-5601</u>
E-mail Address	<u>makerman.dod@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	Lloyd J. Austin III
Job or Title (<i>if known</i>)	Secretary of the Department of Defense
Street Address	1000 Defense Pentagon
City and County	Washington, DC
State and Zip Code	District of Columbia 20301-1000
Telephone Number	703-545-6700
E-mail Address (<i>if known</i>)	

Defendant No. 2

Name	Christine E. Wormuth
Job or Title (<i>if known</i>)	Secretary of the Army
Street Address	101 Army Pentagon
City and County	Washington, DC
State and Zip Code	District of Columbia 20310-0101
Telephone Number	703-545-6700
E-mail Address (<i>if known</i>)	

Defendant No. 3

Name	Frank Kendall
Job or Title (<i>if known</i>)	Secretary of the Air Force
Street Address	1670 Air Force Pentagon
City and County	Washington, DC
State and Zip Code	District of Columbia 20330-1670
Telephone Number	703-545-6700
E-mail Address (<i>if known</i>)	

Defendant No. 4

Name	General Daniel R. Hokanson
Job or Title (<i>if known</i>)	Chief, National Guard Bureau
Street Address	1636 Defense Pentagon, STE 1E169

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City and County	Washington, DC
State and Zip Code	District of Columbia 20301-0001
Telephone Number	703-545-6700
E-mail Address (if known)	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☒ **Federal question** ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

I would like to request that this case be accepted and entered to meet any timeliness requirements pertaining to this suit and its forthcoming claims AND be placed on a hold so that I can file all pleadings after they have been exhausted through the administrative processes of EEOC and MSPB.

- There is a 30-day waiting period pertaining to EEOC and Issue 1 below as attached.
- There are 4 dockets in MSPB that need to be exhausted and may become part of this suit that account for issues 2-9 below.

Issue 1: Unlawful removal from employment, in violation of the Civil Service Reform Act ("CSRA"), 5 U.S.C. § 7513(a), under Section 15(d) of the Age Discrimination in Employment Act of 1967, as amended. Ref. 29 CFR § 1614.201

Issue 2: Retaliation, in violation of the Whistleblower Protection Act ("WPA"), 5 U.S.C. § 2302(b)(8)

Issue 3: Hostile work environment, in violation of the WPA, 5 U.S.C. § 2302(b)(8)

Issue 4: Retaliation in violation of the Whistleblower Protection Act ("WPA"), 5 U.S.C. § 2302(b)(9)

Issue 5: Age discrimination, in violation of sections 12 and 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631, 633a)

Issue 6: Hostile work environment, in violation of sections 12 and 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631, 633a)

Issue 7: Discrimination in violation of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791)

Issue 8: Hostile work environment, in violation of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791)

Issue 9: Damages stemming from improper disclosure of personnel and medical records under 5 U.S.C. § 552a(g)(1)(D)

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) _____, is a citizen of the
State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
under the laws of the State of (name) _____,
and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of the State of (name) _____. Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____. Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

I am seeking a sum of \$3,485,647.95 as an aggregate amount based on reasonable and foreseeable consequential damages. This does not include attorney fees, non-monetary considerations, or any additional compensatory and punitive damages the court may deem appropriate. The defendants are jointly liable under the Department of Defense as the Executive agency.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

I would like to request that this case be accepted and entered to meet any timeliness requirements pertaining to this suit and its forthcoming claims AND be placed on a hold so that I can file all pleadings after they have been exhausted through the administrative processes of EEOC and MSPB.

There is a 30-day waiting period pertaining to EEOC and Issue 1 above as attached.

There are 4 dockets in MSPB that need to be exhausted and may become part of this suit that account for issues 2-9 above.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Relief includes reasonable and foreseeable consequential damages but does not include non-monetary considerations such as Health Insurance or efforts to repair reputational damages. Amount is based on 16.5 years of remaining tenured Federal service plus estimated retirement considerations.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 21 June 2022

Signature of Plaintiff

Printed Name of Plaintiff

Martin Akerman

County/City of Arlington
Commonwealth/State of Virginia
The foregoing instrument was acknowledged
before me this 21 day of June,
2022 by

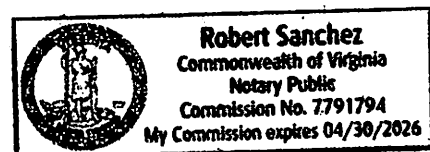
Martin Akerman
(name of person seeking acknowledgement)

Robert Sanchez
Notary Public

My Commission Expires: April 30, 2026

B. For Attorneys

Date of signing: _____



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Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
DIVISION

FILED

Martin Akerman

Plaintiff(s),

v.

2022 JUN 21 P 3:43

Civil Action Number: 1:22 CV 696

Department of Defense

Defendant(s).

LOCAL RULE 83.1(M) CERTIFICATION

I declare under penalty of perjury that:

No attorney has prepared, or assisted in the preparation of COMPLAINT FOR A CIVIL CASE
(Title of Document)

MARTIN AKERMAN

Name of *Pro Se* Party (Print or Type)

[Signature]
Signature of *Pro Se* Party

Executed on: 21 JUNE 2022 (Date)

County/City of Arlington
Commonwealth/State of Virginia
The foregoing instrument was acknowledged
before me this 21 day of June
2022, by Martin Akerman
(name of person seeking acknowledgement)
[Signature]
Notary Public
My Commission Expires: April 30, 2026

OR

The following attorney(s) prepared or assisted me in preparation of _____
(Title of Document)

(Name of Attorney)

(Address of Attorney)

(Telephone Number of Attorney)

Prepared, or assisted in the preparation of, this document

(Name of *Pro Se* Party (Print or Type)

Signature of *Pro Se* Party

Executed on: _____ (Date)

